IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.636 OF 2007

Mahesh Kumar Sharma & 2 Ors. ..Petitioners.

Versus

M/s.Sri Adhikari Brothers
Television Network Ltd.,
and Anr. ..Respondents.

..

Mr.V.M.Talreja, Adv. for the Petitioners.
Mrs.A.S.Pai, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.
DATED : NOVEMBER 30, 2007.

P.C.:

1. Heard the learned Advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of process issued by the learned M.M., 10th Court at Andheri in C.C.No.4791/SS/2005. In the said case process is issued under Section 138 of N.I.Act.

3. For the reasons recorded in the the case of **V.K.Jain and others Vs. Pratap V. Padode, reported in 2005(3) Mh.L.J.778,** which has been upheld by the Hon'ble Apex Court, I am of the opinion that the petitioners have an efficacious

remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within six weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of six weeks from today.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court after hearing necessary parties shall dispose of the matter on merits.

6. Writ Petition is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)